

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

MICHAEL R GRAVES
Claimant

APPEAL NO. 11A-UI-14658-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

OC: 10-17-10
Claimant: Appellant (4)

Iowa Code § 96.5(1) – Voluntary Leaving
Iowa Code § 96.5(1)g – Voluntary Leaving/Requalification

STATEMENT OF THE CASE:

The claimant filed an appeal from a fact-finding decision issued with employer Richway Industries (Acct No. 140658), dated November 8, 2010, reference 01, decision that denied benefits. A hearing was incorrectly set up for the employer the Tyson Industries. A hearing was scheduled to be held on December 6, 2011. After a review of the administrative record, no hearing was held.

ISSUE:

Has the claimant requalified for benefits since his separation from Tyson Foods?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant has requalified for benefits since the separation from Tyson Foods (account number 315825).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer but has requalified for benefits.

Iowa Code § 96.5-1-g provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as

provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2) (amended 1998).

The claimant voluntarily quit Tyson Foods without good cause attributable to the employer. However, the administrative law judge further concludes from information contained in the administrative record that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed if the claimant is otherwise eligible and the account of the employer (account number 315825) shall not be charged.

DECISION:

The November 8, 2010 (reference 01) decision is modified in favor of the appellant. The claimant quit without good cause attributable to the employer, but has requalified for benefits since the separation. Benefits are allowed, provided **the claimant is otherwise eligible**. The account of the employer Tyson Foods, (account number 315825) shall not be charged.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css